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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
7

8 LeMEL DETANIO HANKSTON,

9       Petitioner,

2:13-cv-01601-JCM-GWF

10 vs.

**ORDER**

11 DWIGHT NEVENS, *et al.*,

12       Respondents.  
13 \_\_\_\_\_/

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15       In this habeas corpus action, in an order entered on October 16, 2015 (ECF No. 29), the court  
16 ruled on the respondents' motion to dismiss. In that order, the court found one claim, Claim 2 of  
17 petitioner's second amended habeas petition (ECF No. 20), to be unexhausted in state court. With  
18 respect to Claim 2, the court directed petitioner to make an election, to either file a notice of  
19 abandonment of the claim, or a motion for a stay of this action to allow him to exhaust the claim in  
20 state court. The court granted petitioner 20 days -- until November 5, 2015 -- to make that election.

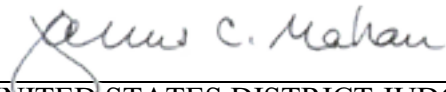
21       On November 5, 2015, petitioner filed a motion for extension of time (ECF No. 30),  
22 requesting a two-week extension of time to make his election regarding Claim 2. Counsel states that  
23 the extension of time is necessary because of his absence from the office, and because of  
24 inefficiencies inherent in communicating with his incarcerated client. Respondents' counsel does  
25 not oppose the extension of time.  
26

1 The court finds that petitioner's motion for extension of time is made in good faith and not  
2 solely for the purpose of delay, and that there is good cause for the extension of time.

3 **IT IS THEREFORE ORDERED** that petitioner's Motion for Extension of Time  
4 (ECF No. 30) is **GRANTED**. Petitioner shall have until and including **November 19, 2015**, to  
5 make his election regarding Claim 2 of his second amended petition for writ of habeas corpus  
6 (ECF No. 20), as described in the order entered on October 16, 2015 (ECF No. 29).

7 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
8 proceedings set forth in the order entered on October 16, 2015 (ECF No. 29) shall remain in effect.

9  
10 Dated this 6th day of November, 2015.

11   
12 UNITED STATES DISTRICT JUDGE